

The Examiner acknowledges that a combination of Niedermeyer, Ramacier and Preszler does not suggest the insertion of the other component into a bottle; instead the combination suggests attachment onto a bottle.

Ito is said to disclose a pipe 40a which extends into a bottle to connect the bottle to an ink reservoir (Fig. 4(d)), and it would have been obvious to extend the pipe of Ito extending from the other component to facilitate connection of the other component to a bottle having a pierceable obstruction, such as foil or a rubber stopper.

REMARKS

Rebuttal to the Examiner's Response to Applicants' Arguments

(a) The Drawing

The prior objection to the drawing is moot in view of cancellation of the objectionable matter from the claims.

(b) Objection to Claim 17

The objection to claim 17 has been overcome by being amended.

(c) The 112 Rejection of Claims 4 and 7-12

The rejection of these claims 4 and under Section 112 has been overcome by cancellation of objectionable matter.

(d) The 112 Rejection of Claims 13-16

The rejection of claims 13-16 under 35 USC 112, first paragraph has been withdrawn with respect to insertion of

the other component of the two-component coupler into the ink bottle because Figs. 3 and 5 suggest extension of an unlabeled tubular member from the other component into the bottle.

(e) Failure to Disclose Duplex Coupling

In addition to requiring container actuation, which is avoided by the present invention, it is acknowledged that Niedermeyer fails to disclose duplex coupling.

Since the duplex coupler is part of means for supplying ink independently of actuation by the reservoir, the lack of such means (in Niedermeyer) "implies lack of the duplex coupler".

Valve actuation by the reservoir is "the essence of the Niedermeyer invention", recited in all four Niedermeyer claims. The "combination" including a "valve actuating means," that is removably attached as part of the supply base overcomes the essence of Niedermeyer.

Contrary to the Examiner, a combination of Ramacier with Niedermeyer is based upon hindsight since the references deal with different matter. In particular, the Examiner has acknowledged that Ramacier emphasizes criticality in the medical or fluid dispensing industries. Niedermeyer not only does not suggest criticality, he has no need for it since his invention is to supply ink where criticality is not an issue.

It is acknowledged that a reference is considered not only for what it expressly states, but for what it would reasonably have suggested to one of ordinary skill in the art. In re DeLisle, 160 USPQ 806 (CCPA 1969). A worker of ordinary skill in the dispensing of ink would not have looked to a reference where the essence is criticality.

Ramacier suggests an assembly that provides a fluid passageway through quick connection without leakage only in the light of the present invention.

The Examiner has noted "advantages of saving time in making a fluidic connection and avoiding a mess from fluid leakage is believed implicit in the provision of quick connection". However, a connection without leakage is just as quick as one with leakage, and the avoidance of leakage in Ramacier has to do with criticality which does not apply to the dispensing of ink.

Additionally, although the ink bottle of Niedermeyer is a fluid dispenser, it is specifically for dispensing ink, not a critical medical fluid.

Contrary to the Examiner, there is nothing in Preszler to suggest adapting Ramacier to the Niedermeyer system. This argument is germane to the issue since Preszler is relied upon in the rejection. Adaptation of Ramacier to Niedermeyer is not suggested by the combination of

references. There is no need for threaded connections in Niedermeyer, so that the citation of Preszler, i.e., of means by which a duplex coupler may be connected to a bottle and ink reservoir, namely, by threaded connection is apparent only in the light of the invention.

The combination of references would not have been obvious because the teachings of the references are completely contrary.

As previously noted by Applicant, where connections are provided as taught by Preszler, they are for the purpose of preventing male components from being mounted on incorrect female components. Applicant agrees that the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference. The test is whether there is anything in the references that would suggest their combination, and in the present case, there is nothing in the references to suggest the combination cited by the Examiner.

The Examiner has suggested that "the test is what the combination teachings of the references would have suggested to those of ordinary skill in the art". As stated in this manner, the test applied by the Examiner is based upon

hindsight because he first constructs the combination and then asks the question of what the combination suggests. Instead, the references have to be considered individually for what they suggest in order to achieve the combination.

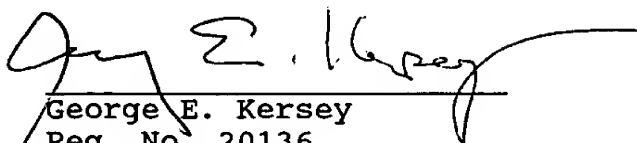
See In re Keller, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). Elements 22 and 26 constitute a duplex coupler. Threads 40 connect one component of the duplex coupler to an ink bottle 16. Threads 49 connect another component of the duplex coupler to an ink tank 14. In order to apply Preszler, there must be an exercise of hindsight because there is nothing in Niedermeyer to suggest means by which elements of a duplex coupler may be connected to an ink bottle and ink reservoir, i.e., by threaded connections.

The Examiner asserts that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight. However, before such a reconstruction can take place, there must be suggestions in the references that permit the reconstruction, and that is absent from the present case. See In re McLaughlin, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

Moreover, the steps of the method claims cannot be deemed to be clearly obvious in view of the disparity in the functions of the structure in the "improper combination".

In view of the foregoing, reconsideration is requested
of the prior final rejection.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "George E. Kersey", written over a horizontal line.

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Marked-up Claims

17. (amended) Replaceable ink jet apparatus for an ink jet system, comprising

 a container for ink-jet ink and having an outlet; and
 a cap for sealing the outlet of said container until ink in a reservoir of an ink-jet system is to be replenished;

 said cap comprising a base positionable upon said container and a hollow neck extending from from said base and having an exterior surface containing (1) a circumferential [grove] groove for receiving a locking collar when ink in a reservoir of an ink-jet system is to be replenished and (2) a taper beyond said circumferential groove for facilitating the entry of said locking collar into said groove.